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General Defends Distrust of Report

Westmoreland, Lawyer Wage Battle of Wills

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NEW YORK, Nov. 21—In a battle of wills with CBS lawyer David Boies, retired general William C. Westmoreland said today that he did not automatically accept a military intelligence report in 1967 because intelligence officers tend to overestimate enemy strength as part of the "old cover-your-backside syndrome."

"They tend to be myopic," Westmoreland said of those who chart the enemy for official reports. "They get brownie points for finding more enemy. They hedged their bets; it is the old cover-your-backside syndrome . . ."

"A commander, therefore, has to exercise some judgment and frequently has to restrain an intelligence officer," Westmoreland told Boies, who was cross-examining the general for the second day in his \$120 million libel action against CBS.

At issue in the trial is whether the general suppressed a higher troop estimate by his intelligence officers in 1967 to maintain support for the Vietnam war.

One of the crucial meetings for CBS' defense occurred in mid-May of that year when Westmoreland's chief intelligence officer, now-retired major general Joseph McChristian, presented him with a cable that would have provided officials in Washington with the new, higher enemy estimates.

CBS has contended that when Westmoreland refused to pass on that cable—which estimated that the enemy had about 420,000 troops—because of its political consequences, he, in effect, participated in a "conspiracy" to keep the official estimate of enemy troop strength at about 300,000.

The broadcast that provoked Westmoreland's suit—"The Uncounted Enemy: A Vietnam Deception," which aired on Jan. 23, 1982—said that because of the alleged "conspiracy" by Westmoreland and others to suppress and alter intelligence information, the American people and President Lyndon B. Johnson were surprised by the massive Tet offensive in January 1968.

Westmoreland has testified that when McChristian brought him the cable at the end of a day that he had spent in the field, he decided not to send it because he wanted to be briefed on the new figures first. He said he realized that the new figures counted as soldiers people he believed were civilians, and that the figures would cause a "political problem."

"I did not change any [of McChristian's] numbers," Westmoreland said. "But I did say we have got this thing all wrong, we have got the fighters and non-fighters all mixed up together. It is confusing . . . It is not honest, it is not forthright."

As Boies grilled the general, sometimes using what he had warned the judge would be an "argumentative" technique; he occasionally seemed to score points for the network side. At other times, he seemed to lose the floor to Westmoreland, who at times gave brief commanding speeches to a clearly fascinated jury.

At one point, Boies asked Westmoreland how he could remember the details of his meeting with McChristian when his diary failed to record the meeting.

"Did you talk to Gen. McChristian about what happened at that meeting?" Boies asked.

"I don't recall," Westmoreland began. Then he amended the answer to say, "I may have."

"Do you recall whether you called Gen. McChristian at or about the time the broadcast was being aired and told Gen. McChristian that this conversation on May 11 was a conversation that you thought was private, between West Pointers," and should not be revealed to anybody, Boies asked, his voice rising.

"I do not recall," the general replied.

When pressed by Boies, Westmoreland added: "I do recall a conversation, but I don't recall the substance of the conversation."

But Westmoreland later rallied when Boies tried to find out whether the general had told McChristian during the meeting that distributing the enemy troop figures would be a "political bombshell," the phrase recalled by McChristian in an interview with CBS.

In earlier testimony, Westmoreland had denied using the word "bombshell," saying it was "not a part of my lexicon."

But today, when Boies found the word used in a deposition the general made about a year ago, Westmoreland did not flinch. Instead he went on the attack.

"'Bombshell' has been thrown around so much, and I heard it so much in some 14 days of depositions with you, Mr. Boies, that I think you just thrust it right into my lexicon," Westmoreland said, smiling slightly as those in the courtroom broke into laughter.

Boies then suggested that Westmoreland look through his pretrial testimony to find the point where he had "thrust" the word into the general's vocabulary.

"Over 1,647 pages?" U.S. District Court Judge Pierre N. Leval asked, to more laughter.

Westmoreland said he had not recorded the McChristian meeting in his diary because the session was "inconsequential. It was insignificant . . ."

"When I dictated my history notes, I looked at my appointments and I dictated things I thought were important," the general testified.

Boies then noted that the diary had included "such things as whether or not you recommended to a visiting congressional staff person that he see your surgeon for a head cold."

"That would cover a human-interest item," Westmoreland replied.

Special correspondent John Kennedy contributed to this report.